# CONSTITUTION AND BY-LAWS OF THE OKMULGEE INDIAN COMMUNITY

## **PREAMBLE**

We, the Okmulgee Indian Community of the Muscogee (Creek) Nation, in order to promote our common welfare and to obtain for ourselves and for our posterity the benefits, rights, privileges and powers offered to us by the Muscogee (Creek) Nation, do hereby adopt the following Constitution and By-Laws of the Okmulgee Indian Community.

## **ARTICLE I - OBJECTIVES**

- Section 1 It is the objective of the Okmulgee Indian Community to promote the general welfare of the Okmulgee Indian Community and its members by adopting and conducting official business in accordance with the Okmulgee Indian Community Constitution and By-Laws and Parliamentary Procedures (Robert's Rules of Order Revised, current edition).
- Section 2 It is the objective of the Okmulgee Indian Community to secure and obtain the benefit, rights, privileges, and powers as provided for by any laws of the United States now existing or that may hereinafter be enacted for the benefit of Native American Indians or other citizens of the United States and administered by various agencies.
- Section 3 It is the objective of the Okmulgee Indian Community to acknowledge the Muscogee (Creek) Nation Constitution as the supreme law and that the Okmulgee Indian Community shall not abridge the rights of its members.

## **ARTICLE II - NAME**

The name of this Community shall be Okmulgee Indian Community.

## **ARTICLE III - COMMUNITY BOUNDARIES AND HEADQUARTERS**

Section 1 The Okmulgee Indian Community boundaries are herein defined as: Beginning at a point on the southeast corner of Section 33, Township 13N, Range 13E; thence north 13 miles to the northeast corner of Section 33, Township 15N, Range 13E; thence west 4.4 miles to the State Highway 16 and highway 75 intersection; thence 1.6 miles in a northwesterly direction along said highway 75 to a point 0.5 miles north of the southeast corner of Section 22, Township 15N, Range 12E; thence north 6.5 miles to the

northeast corner of Section 22, Township 16N, Range 12E (also being the Okmulgee-Tulsa county line); thence west along the Okmulgee-Tulsa County line for 1 mile and continuing along the Creek-Okmulgee county line for 9 more miles to the northwest corner of Section 19, Township 16N, Range 11E; thence south 15 miles along the Creek-Okmulgee county line; continuing along the Okfuskee-Okmulgee county line for 6 miles to the southeast corner of Section 31, Township 13N, Range 11E; thence 6 miles east along the Okfuskee-Okmulgee county line and continuing 9 miles to the point of the beginning.

Section 2 The address of the meeting place and Headquarters of the Okmulgee Indian Community shall be located at 2701 N. Miami Street Okmulgee, Oklahoma 74447.

## **ARTICLE IV - MEMBERSHIP**

- Section 1 To be eligible for membership in the Okmulgee Indian Community, an applicant must:
  - A. Be an enrolled citizen of the Muscogee (Creek) Nation; and
  - B. Reside within the Okmulgee Indian Community boundaries as described in Article III and show proof of residency.
  - C. Voting membership shall consist of those members who are eighteen (18) years of age or older.
- Section 2 The procedure for applying for Community membership shall be as follows:
  - A. A person who desires to apply for membership shall provide documented proof to the Membership Committee that he or she meets all the membership requirements contained in Article IV, Section 1. Proof of residency, such as a utility bill, must be submitted to the OIC Secretary. Any change of address must also be submitted to the OIC Secretary.
  - B. A person shall become a member of the Okmulgee Indian Community once his/her application is completed and verified.
  - C. Any person who acquires membership under false pretenses shall suffer the loss of membership and benefits.
  - D. All new members will receive a copy of the Constitution and By-Laws and a copy of the Social Service guidelines.

- E. In the event that membership is denied, the OIC Board of Directors shall send a notice of application denial to the person whose application was unable to be verified by the OIC Board of Directors. The notice shall state the date of the action and what information was unable to be verified. Any person denied membership may appeal the decision to the Grievance Committee or submit new information that can be verified.
- F. Membership in the OIC shall automatically terminate after a member moves outside the boundaries of the OIC. *Further*, it shall be the responsibility of each Community Member to notify the Secretary of the Board of Directors of any change of address.
- G. If membership with the OIC has terminated, either voluntarily or by relocation outside of the OIC boundaries, the individual must submit a new application for membership of the OIC as previously stated.

## **ARTICLE V - GOVERNING BODY**

The governing body is the Okmulgee Indian Community and shall have elected officers known as the Board of Directors.

The Board of Directors shall be comprised of five officers: Chairperson, Vice-Chairperson, Secretary, Treasurer, and Sergeant-at-Arms. The term of office shall be for a period of 2 years beginning October 1st and ending September 30<sup>th</sup> and shall serve staggered terms beginning with the 2016 election. Beginning with the 2016 election, the Chairperson, Secretary and Treasurer shall serve a two (2) year term and the Vice-Chairperson and Sergeant of Arms shall be a one (1) year term. Then beginning with the 2017 election, the Vice-Chairperson and Sergeant-of-Arms shall serve a two (2) year term. No one may serve more than two consecutive terms in any one Board of Director office.

At any election, each Community member, eighteen (18) years and older, shall be eligible to vote. Elections shall be held by secret ballot voting. In order to be elected, a Candidate must receive a majority of the votes cast (per the Community Election Policies and Procedures). In the event of a tie, a Special election shall be held within thirty (30) days of the initial election. The Special election shall be by secret ballot voting. In order to be elected, a Candidate must receive a majority of the votes cast at the Special election.

A vacancy on the Board of Directors shall be filled by a Special election called by the Election Committee within thirty (30) days after the vacancy occurs. The person elected shall fulfill the remaining term of office. The Special election shall be by secret ballot voting. In order to be elected, a Candidate must receive a majority of the votes cast at the Special election.

All elected officers must be full citizens of the Muscogee (Creek) Nation. In order to avoid a conflict of interest, immediate family members shall not hold an elected or appointed position in the Community at the same time. Immediate family members are defined as the following: spouse, parents, grandparents, children, grandchildren, siblings(brother/sister), and in-laws (mother/father, brother/sister). Adopted and step members are also included in immediate family.

An Okmulgee Indian Community Board of Director shall not be employed in any capacity by the Okmulgee Indian Community or in any of its enterprises; shall not individually contract or do business with the Community for private gain; and cannot own, partly own or be employed with any enterprise that contracts or does business with the Okmulgee Indian Community.

Further, as stated in the Muscogee (Creek) Nation Code, "Any person who holds office as a member of a Chartered Muscogee (Creek) Indian Community Board shall recuse themselves from any vote in the event that a conflict of interest occurs in regard to their position of employment with the Muscogee (Creek) Nation. *See* MCN Code, Title 37, § 3-101 and § 3-102 C.

The Okmulgee Indian Community, as the governing body, may delegate duties and responsibilities to the Board of Directors, as it deems proper. However, it shall not delegate duties and responsibilities of the governing body including, but not limited to, amending the Constitution and By-Laws

The Board of Directors shall review and negotiate contracts and grants for the advancement of the Okmulgee Indian Community. No contract shall be signed or grant submitted without prior review by the Office of the Attorney General and the approval of the Principal Chief or the National Council when necessary.

The Board of Directors shall bring all business before the Community for a vote, and shall be bound by the majority vote of the members present.

Section 3 The procedure for electing the Board of Directors shall be stated in the Okmulgee Indian Community's Election Policy and Procedures as adopted by the Community.

The Board of Directors will not be considered employees of the Okmulgee Indian Community. They may be compensated as deemed necessary in accordance with a Compensation and Reimbursement Policy approved by a majority of Community members voting at a Community meeting; provided that the Compensation and Reimbursement Policy is posted at the Community Headquarters and is also provided to members at the Community Headquarters upon request no less than ten (10) days before a Community meeting. The proposed Compensation and Reimbursement Policy shall be read aloud at the Community meeting. The proposed Compensation and Reimbursement Policy may be either (1) adopted as written or (2) rejected. Further, such compensation shall not be changed or altered during current term of office.

The Board of Directors will not be compensated if they miss a Regular meeting as defined in the Compensation and Reimbursement Policy. Additionally, all Board of Directors need to regularly attend Board of Directors meetings and Special meetings so that the necessary quorum to hold such meetings is established.

- Section 5 Community Members can volunteer and serve on any Standing Committee of the Community. The Community shall have the following Standing Committees: (1) Constitution Committee; (2) Election Committee; (3) Grievance Committee; The Board of Directors may appoint other Standing Committee(s) it deems necessary, including but not limited to: Activities Committee, Education Committee, Social Services Committee. The following shall apply to the Standing Committees:
  - A. Each Committee shall consist of at least three (3), but no more than five (5) volunteers from the floor. A Board of Director shall not be eligible to serve on the Grievance Committee or the Election Committee.
  - B. A Committee member may not serve on more than one (1) Committee at a time.
  - C. Each Committee shall serve on a volunteer basis and shall not be compensated.
  - D. Each Committee shall give a monthly report at the Regular monthly meeting.
  - E. Officers shall be chosen for each Committee at the September Regular meeting. The term of office shall be for one (1) year beginning October 1<sup>st</sup>, and ending on September

30<sup>th</sup>. All Standing Committees will have Chairperson, Vice-Chairman, and Secretary.

## **ARTICLE VI - OATH OF OFFICE**

## ARTICLE VII – DUTIES OF BOARD OF DIRECTORS

The duties of each Board of Director are set-forth in this Article:

A. The Board of Directors shall perform all duties on behalf of and in the best interest of the Okmulgee Indian Community. Each Board of Director shall conduct himself or herself in a manner that will not adversely affect the interests of the Okmulgee Indian Community.

## B. Chairperson:

- 1. Preside over all Board of Directors meetings and Regular and Special meetings not called by a Standing Committee, and carry out all Resolutions authorized by the Okmulgee Indian Community;
- 2. Present all communications and deadlines to the Okmulgee Indian Community;
- 3. Avoid any conflict of interests that may adversely affect the Okmulgee Indian Community's objectives;
- 4. Oversee the development of the budget for the new fiscal year with the Board of Directors;
- 5. Be bonded at a minimum amount of \$5,000. Okmulgee Indian Community shall pay the cost for the bonding:

- 6. Have a duty to the Okmulgee Indian Community to perform and comply with its Constitution and By-Laws, and the Muscogee (Creek) Nation Constitution;
- 7. Present any officer reports in his/her absence; and;
- 8. Prepare all pertinent grants, letters and business matters dealing with the Community to be given to the Secretary for processing in a timely manner.

## C. Vice-Chairperson:

- 1. Act in the absence of the Chairperson provided a quorum is met;
- 2. Keep a current list of Standing Committees and their members;
- 3. In the absence of the Secretary, keep minutes of any Regular or Special meeting or Board of Directors meeting; and;
- 4. Be bonded at a minimum amount of \$5,000. The Okmulgee Indian Community shall pay the cost for the bonding.

#### D. Secretary:

- 1. Maintain a full written report of each Regular or Special meeting and each Board of Directors meeting;
- 2. Maintain a written and audio recording of all Resolutions and present the written minutes at the next Regular meeting for approval by the Community; provided that the written minutes shall only become official when approved by majority vote of the members present;
- 3. Receive items for consideration on the agenda, which must be presented in writing ten (10) days prior to the Regular meeting. All agenda items must be submitted to the Secretary;
- 4. Keep all records of meetings at the Okmulgee Indian Community. Add and Maintain membership list; lists will

- be made available as requested. Executive Board Minutes will be made available upon request;
- 5. Post the agenda at least twenty-four (24) hours prior to the scheduled meeting; and;
- 6. Notify the Chairperson twenty-four (24) hours in advance in case of his/her absence at any Regular or Special meeting or Board of Directors meeting.
- 7. Maintain records for Community vehicles. Policies and Procedures, drivers' information, and Van Usage Agreements.

#### E. Treasurer:

- 1. Set up bank accounts and reconcile bank statements;
- 2. Keep regular books of accounts showing receipts, expenditures and other financial responsibilities as the Okmulgee Indian Community deems necessary;
- 3. Take all Okmulgee Indian Community deposits to the financial institution for deposit into account by the next business day.
- 4. Prepare and present a written financial report for Okmulgee Indian Community monthly meetings;
- 5. Be subject to audit or investigation of the Community's account books at the direction of the Okmulgee Indian Community, the Principal Chief or the National Council;
- 6. Be bonded at a minimum amount of \$5,000. The cost of the bonding shall be paid by the Okmulgee Indian Community; provided that until the Treasurer is bonded, the Board of Directors may make such provisions for the custody and disbursement of funds as will guarantee the safe and proper disbursement thereof; and;
- 7. Allow all Community members the right to examine any and all records of meetings and monetary transactions. All these records shall be kept at the Okmulgee Indian Community Center.

## F. Sergeant at-Arms:

- 1. Maintain order during the meetings and allow each Community member and Board of Director to speak in an uninterrupted manner according to Parliamentary Procedure (Robert's Rules of Order Revised);
- 2. Be responsible for maintaining a current inventory listing of all items and keys owned by the Okmulgee Indian Community;
- 3. Perform such other duties as may be prescribed by the Board of Directors from time to time; and;
- 4. Be responsible for maintenance and vehicle maintenance.

## **ARTICLE VIII - REMOVAL OF A MEMBER OF BOARD OF DIRECTOR(S)**

Section 1 Removal of a member of the Board of Directors for any alleged misconduct may be requested by any Community member by filing a form with the Grievance Committee.

#### Grievance timeline:

- 1. All grievances shall be submitted in writing to the Chairperson of the Grievance Committee.
- 2. The Grievance Chairperson shall submit the written complaint to the Grievance Committee within three (3) working days of receipt of the grievance.
- 3. Upon receipt of the grievance, the Grievance Committee will conduct an investigation and submit its findings to the Complainant within fifteen (15) working days of receipt of the grievance from the Grievance Committee Chairperson.
- 5. If the grievance cannot be resolved by the Grievance Committee within the fifteen (15) day time frame stated in subsection 3 of this Section, a Special Community meeting shall be called by the Grievance Committee within fifteen (15) working days for the Okmulgee Indian Community to resolve the grievance.

- The member of the Board of Directors is subject to removal 6. shall be entitled to at least ten (10) days written notice of the Special Community meeting at which his/her removal is to be considered as well as the cause for such removal. The notice shall be sent by the Grievance Committee via Certified U.S. Mail, Return Receipt Requested. In the event the Grievance Committee does not receive confirmation that the member of the Board of Directors received notice of the Special meeting, the Special meeting shall be cancelled and another notice with a new date shall be sent to the member of the Board of Directors to ensure that he/she has received notice. The member of the Board of Directors who is subject to removal shall appear before the Community and have the opportunity to be heard at the Special meeting.
- Section 2 Any member of the Board of Director(s) may be removed from office by the affirmative vote of two-thirds (2/3) of the votes cast at the Special meeting called for that purpose by the Grievance Committee.

Causes for removal shall be

- a. Treason;
- b. Bribery;
- c. High crimes and misdemeanors:
  - 1. A crime committed in the exercise of the duties of the office, to include but not limited to, Theft, Embezzlement, Fraud, Conspiracy, and Perjury; and also to include a Felony conviction in a court of competent jurisdiction.
  - 2. The violation of any law setting forth removal from office as a penalty; incompetence; mismanagement; conflict of interest between official duties resulting in personal gain, directly or indirectly; misrepresentation of office for personal gain; abuse of power; giving of false information with intent; to benefit materially from misuse of funds, directly and indirectly.
- d. Misuse of government funds, property, and information:
- e. Acceptance of illegal gifts, entertainment and favors;

- f. Abuse of power, profiting from office, position, and knowledge;
- g. Financial interest;
- h. Misuse of public office;
- i. Electioneering; and/or
- j. Conflict of business interest.

## **ARTICLE IX - QUORUM**

Three (3) Board of Directors shall constitute a quorum to transact the business of the Board of Directors at any meeting. All business conducted after establishing and maintaining the quorum shall be valid.

## **ARTICLE X - MEETINGS**

- Section 1 The Regularly scheduled meeting of the Okmulgee Indian Community shall be held on the 2<sup>nd</sup> Monday of each month from the date of the adoption of this Constitution and By-Laws, and shall be open to members and non-members.
- Section 2 Executive Session may be called and conducted by the Board of Directors when a quorum is present. The following provisions shall apply to Executive Session:
  - A. Executive Session is closed to the general membership of the Okmulgee Indian Community, except to those individuals who are invited by the Board of Directors because their presence is necessary to the business at hand.
  - B. Executive Session will be permitted only for the purpose of:
    - 1. Discussing the employment, hiring, promotion, demotion, discipline, or resignation of any individual directly employed by the Okmulgee Indian Community.
    - 2. Confidential communications between a claimant or attorney and the Board of Directors concerning an investigation, claim, or action.

- C. Notice of proposed Executive Session shall be posted and slated on public agendas.
- D. No written minutes or audio/video recordings are permitted.
- E. Once out of Executive Session, a formal motion of action must be brought up in the open meeting and voted upon by the Board of Directors.
- Section 3 Informal meetings of the Okmulgee Indian Community are conducted when a quorum is not established at a Regularly scheduled monthly meeting. The following provisions shall apply to informal meetings:
  - A. No formal actions or motions will be taken.
  - B. Meeting minutes should reflect "Informal Meeting," and include the topics shared in the meeting.
- A Special meeting shall be any meeting of the Okmulgee Indian Community other than the Regular meeting. A Special meeting may be called by the Board of Directors or one of the Standing Committees. A Special meeting shall be called for the following purposes, including but not limited to: Board of Director(s) election(s), amendments to Constitution and/or By-Laws, and removal of a member of Board of Director(s). A notice that includes the date, time and place of the Special meeting must be posted at the Community Center forty-eight (48) hours prior to the meeting.

#### **ARTICLE XI - ORDER OF BUSINESS**

- Section 1 The order of business of the Okmulgee Indian Community shall be as follows:
  - 1. Call to order by the presiding officer
  - 2. Invocation
  - 3. Roll call
  - 4. Declaration of a quorum
  - 5. Reading of minutes of previous Regular Community meeting
  - 6. Approval/Disapproval of Minutes by vote
  - 7. Treasurer's Report/Approval/Disapproval
  - 8. Chair's Report/Approval/Disapproval
  - 9. Standing Committee's Reports
  - 10. Unfinished Business of Previous Meeting
  - 11. New Business

- 12. Executive Session, if necessary
- 13. Announcements / Board Minutes and Members list available upon request with secretary.
- 14. Adjournment
- Section 2 All matters of official policy shall be stated in the form of a Resolution; voted on by the Community; signed by the Chairperson and attested to by the Secretary.

## **ARTICLE XII - CHECKS, DEPOSITS AND ANNUAL AUDIT**

- Dual signatures by the Treasurer and either the Chairperson or Vice-Chairperson are required for all checks, drafts, or other orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the Okmulgee Indian Community. In order to disburse a check or draft, the check or draft must contain the signatures of the Treasurer and either the Chairperson or Vice-Chairperson. An officer may not sign his/her own checks; only exception would be a vacancy or unavailability of officer with signature authority.
- Section 2 The Board of Directors shall present to the Principal Chief, the National Council, the Controller, the Community Research and Development Department and the Okmulgee Indian Community membership an annual audit that meets all requirements of applicable tribal law and is prepared in accordance with Generally Accepted Accounting Principles and certified by a Certified Public Accountant.
- Section 3 If the Okmulgee Indian Community ceases to have an income generating enterprise, the Community shall present to the Principal Chief, the National Council, the Controller, the Community Research and Development Department an annual financial report prepared by a certified accountant on or before December 1<sup>st</sup> of each year.

## **ARTICLE XIII - AMENDMENTS**

The Constitution and By-Laws may be amended or repealed by a two-thirds (2/3) affirmative majority vote of the Community members present at a Special meeting of the Community called for that purpose.

A. Copies of the Amendments will be presented at the General Membership Meeting, and also be provided to members upon request prior to the Special meeting.

A Special meeting, conducted by the Constitution Committee shall be held no less than ten (10) days before the Special meeting to vote on the amendment(s). Written notice of the times and dates of the Special meetings shall be provided to all Community members no less than ten (10) days before the date of any Special meeting. proposed amendment shall be read aloud at the special meeting, and Community members shall be given the opportunity to discuss the proposed amendment(s) at the Special meeting. At the subsequent Special meeting to vote on the amendment(s), only the proposed amendment(s) that has been presented to the Community members in accordance with this Article may be considered. Such proposed amendment(s) may be either (1) adopted as written by two-thirds (2/3) affirmative majority vote of the Community member present at the Special meeting or (2) rejected. The OIC Secretary will post notification of Amendments by Local Newspaper, Muscogee (Creek) Nation Newspaper, and door postings at the Okmulgee Indian Community Center, Gift Shop, Smoke Shop, and the Marquee at the OIC Gift Shop/OIC Smoke Shop.

B. Amendments adopted by the Community membership shall be submitted to the Office of the Principal Chief for approval and shall have full force and effect from the date of approval. The Principal Chief shall give approval or disapproval in writing within sixty (60) days, citing any reason for disapproval. Failure to respond in the time limits set forth shall be construed as an act of approval.

## **Article XIV - Ratification**

This Constitution shall be declared adopted by the Okmulgee Indian Community when passed by twothirds (2/3) affirmative majority vote of the membership in attendance at a special meeting of the Okmulgee Indian Community and supersedes any previous Constitution or By-Laws.

The Okmulgee Indian Community at a Special Meeting held on <u>September 15</u> , 20 <u>14</u> , approves this Constitution.
IN WITNESS THEREOF,  Really, Shames 9-18-14  CHAIRPERSON  DATE  Secretary  Shelly Buckley 9-19-14  TREASURER  DATE  Secretary  DATE  DATE  DATE
Signed and sworn to before me this day of September 20_14  Notary Signature  6-9-16  My Commission (September ) (September ) 20_14
Vote:  For: 27  Against: 3  Abstentions: 6  The Okmulgee Indian Community Board of Directors, by authority of the Okmulgee Indian Community membership, has signed their approval above and this Constitution shall be effective when approved by the Principal Chief of the Muscogee (Creek) Nation.
Principal Chief, Muscogee (Creek) Nation  7. 22./4  Date

# **Okmulgee Indian Community**

## Minutes of the Special Meeting

Meeting date: September 15, 2014

Time: 7:14 PM

1. Invocation: Invocation was performed by Estherlene Gee.

- 2. Call to order: A special meeting of the Okmulgee Indian Community was held on September 15, 2014. The meeting convened at 7:14 P.M.
- 3. Officers Oath: James Jennings, National Council Representative swore in elected Chairwoman, Pearl Thomas.
- 4. Roll Call: Chairwoman, Pearl Thomas Present

Vice Chairwoman, Leslie Powell - Present

Secretary, Linette Factor – Tardy (Running late from NSU class)

Treasurer, Sheila Buckley - Present

- 5. Establishment of Quorum: 3 Present, 0 Absent, 1 Tardy. Quorum established.
- 6. Old Business:
  - a. Constitution & Bylaws

*Motion*: Moved by Ivalene Melton and seconded by Luther Factor to approve Constitution & Bylaws.

Hand count vote: 27 Approved, 3 Disapproved.

Motion carried.

b. Compensation & Reimbursement Policy

Motion: Moved by Esther Gee and seconded by Rosanna Bear to approve the

Compensation & Reimbursement Policy.

Hand count vote: 25 Approved, 2 Disapproved.

Motion carried.

## 7. Announcements:

a. National Council Representatives

James Jennings went over the facilities usage agreement. He announced that Bill Dowdy's GSA department would be responsible for maintenance and repair on the building. He also announced that Sonya Fox would be taking open enrollment and updates for Medicare at the Okmulgee Indian Health Center.

b. Community

Estherlene Gee made announcements that she went to the National Indian Council on Aging (NICOA) trip on Wednesday, September 3 – Saturday, September 6, 2014 in Phoenix, Arizona with travel expenses paid out of pocket. NICOA is an Elder's forum; the place to voice concerns and to receive up to date information and resources to help Elders age at home and in their own communities.

## c. Board of Directors Meeting

An upcoming Board of Director's meeting will be held at the Checotah Indian Community Center.

## d. Community Research & Development

A Board Workshop will be held on Friday, October 24, 2014 from 9:00 A.M. to 12:00 P.M. at the Tulsa Indian Community Center. Workshop includes parliamentary procedures, board roles, finance, QuickBooks, and legal. New & existing board members are welcome. Call CR&D to schedule a workshop.

8. Benediction: Benediction was performed by Patricia Factor.

## 9. Adjournment:

Motion: Moved by Luther Factor and seconded by Victoria Kelly to adjourn.

No hand count vote taken.

Motion carried.

The meeting was adjourned at 7.35 P.M.

Secretary